

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DWIGHT PURK, et al.,

Plaintiffs,

Case No. C-3-03-cv-287

vs.

JUDGE THOMAS M. ROSE

UNITED STATES OF AMERICA, et al.,

Defendants.

**ENTRY AND ORDER OVERRULING INTERVENING PLAINTIFF'S OBJECTIONS
(DOC. #76) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS
(DOC. #75) ADOPTING SAID REPORT AND RECOMMENDATIONS IN THEIR
ENTIRETY GRANTING DEFENDANTS' MOTION TO DISMISS (DOC. #69),
INTERVENING PLAINTIFF'S COMPLAINT HEREIN IS DISMISSED WITH
PREJUDICE; CASE TERMINATED**

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio, Western Division at Dayton, Ohio to Chief United States Magistrate Judge Michael Merz. Pursuant to such reference, the Chief Magistrate Judge reviewed the pleadings and filed with this Court, on May 5, 2006, a Report and Recommendation (Doc. #75) recommending the Motion to Dismiss (Doc. #69) filed by the Defendants be granted and the complaint in this matter be dismissed with prejudice. Subsequently, the Intervening Plaintiff filed her Response/Objections (Doc. #76) to the Chief Magistrate's Report and Recommendations (Doc. #75) of May 5, 2006 recommending dismissal.

The Court has reviewed the comprehensive findings of the Chief Magistrate Judge in the Report and Recommendations (Doc. #75), filed May 5, 2006 and

considered de novo all of the filings in this matter. Upon consideration of all the foregoing, the Court does determine that the Report and Recommendations (Doc. #75) shall be ADOPTED in their entirety.

It is THEREFORE ORDERED and ADJUDGED that the Intervening Plaintiff's Objections (Doc. #76) are OVERRULED and the Chief Magistrate's Report and Recommendations (Doc. # 75) are ADOPTED in their entirety. The Defendants' Motion to Dismiss is well-founded and shall be GRANTED. Intervening Plaintiff's Complaint herein is DISMISSED WITH PREJUDICE.

The captioned cause is hereby terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division at Dayton.

IT IS SO ORDERED.

Date: May 11, 2006

s/**THOMAS M. ROSE**

JUDGE THOMAS M. ROSE
United States District Court